

REMARKS

This response is intended as a full and complete response to the final Office Action mailed May 5, 2005. In the Office Action, the Examiner notes that claims 1-16 and 21-24 are pending and rejected. By this response, all claims continue unamended.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and 103.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive reply.

Rejections

35 U.S.C. §102

Claims 1-12 and 21-24

The Examiner has rejected claims 1-12 and 21-24 under 35 U.S.C. §102(e) as being anticipated by Ballintine et al. (U.S. Patent US 6,594,047 B1, hereinafter "Ballintine"). Applicants respectfully traverse the rejection because Ballintine is not prior art against the present application.

In order for a reference to be a 102(e) reference, the invention must be, among other things, described in a patent filed in the United States by another before the invention by the applicant. Ballintine has the priority/filing date of December 29, 1999. The present application is the national phase of an international application where the priority date is February 15, 1999. Because the priority date of the present application is before the priority date of Ballintine, the present invention was invented before the Ballintine patent was filed in the United States. Thus, Ballintine is not 102(e) prior art with respect to the present invention.

As such, Applicants submit that claims 1-12 and 21-24 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

364372-1

35 U.S.C. §103**Claims 13-16**

The Examiner has rejected claims 13-16 under 35 U.S.C. §103(a) as being unpatentable over Ballintine in view of Chawki et al. (U.S. Patent US 5,576,875, hereinafter "Chawki"). Applicants respectfully traverse the rejection.

Ballintine is not prior art as stated above. Furthermore, Chawki does not disclose, teach or suggest "a node for a fiber optic communication network, the node including a first device for converting a first optical signal at a first frequency carried by the network into a first electrical signal, a second device for demodulating from the first electrical signal first information modulated on the first optical signal, a third device for modulating on a second electrical signal second information, a fourth device for converting the second information modulated on the second electrical signal into a second optical signal at the first frequency, a fifth device for providing a third optical signal at a second frequency, the third optical signal having third information modulated on it, a sixth device for multiplexing the second and third optical signals and placing the multiplexed second and third optical signals on the network, and a control device, for processing control information included within said first information and providing within said second information control information adapted for use by another node." Therefore, Chawki fails to teach Applicants' invention as a whole.

Because Ballintine is not prior art as stated above, and Chawki, by itself, fail to make obvious the present invention. As such, Applicants submit that independent claim 1 and dependent claims 13-16 which depend directly or indirectly from independent claim 1 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a

detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

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364372-1